

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION

DAVID RUSSELL BROOKS, )  
Plaintiff, )  
v. )  
GOVERNOR BILL LEE and DAVID )  
RAUSCH, )  
Defendants. )  
3:24-CV-00050-DCLC-JEM

## ORDER

This matter is before the Court to consider the Report and Recommendation of the United States Magistrate Judge [Doc. 16]. Pursuant to 28 U.S.C. § 1915, the magistrate judge recommends dismissal of Plaintiff's claims against Defendants Governor Bill Lee and David Rausch in their individual capacities and all claims seeking monetary damages against Defendants in their official capacities but recommends that Plaintiff be permitted to proceed on his official capacity claims for prospective injunctive relief [*Id.* at pg. 6]. Plaintiff did not file any objections to the Report and Recommendation.<sup>1</sup> See Fed.R.Civ.P. 72(b).

After thorough consideration of the Report and Recommendation and the record as a whole, the Court finds that the magistrate judge properly analyzed the issues presented. For the reasons set out in the Report and Recommendation, which are incorporated by reference herein, it is hereby **ORDERED** that the Report and Recommendation [Doc. 16] is **ADOPTED**. Accordingly, Plaintiffs claims against Defendants Governor Bill Lee and David Rausch in their individual capacities along with all claims seeking monetary damages against Defendants in their

<sup>1</sup> Failure to file objections within the 14-day period pursuant to Rule 72(b) results in waiver of the right to appeal the Court's order. *Thomas v. Arn*, 474 U.S. 140, 153-54 (1985).

official capacities are **DISMISSED**. Plaintiff shall be permitted to proceed only on the remaining official capacity claims for which he seeks prospective injunctive relief.

The Clerk is **DIRECTED** to send Plaintiff service packets for Defendants. Plaintiff is **ORDERED** to complete the service packets and return them to the Clerk's Office within twenty-one (21) days of receipt of this order. At that time, the summonses will be signed and sealed by the Clerk and forwarded to the U.S. Marshal for service pursuant to Federal Rule of Civil Procedure 4. Plaintiff is **NOTIFIED** that failure to return the completed service packets within the time required will result in dismissal of this action.

**SO ORDERED:**

s/ Clifton L. Corker  
United States District Judge